IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.23725-M of 2007
Date of Decision:- 13.8.2007

Rajender Kumar @ Rajender Singh & ors. ....Petitioner(s)

through
Mr.Deepak Aggarwal, Advocate

vs.

State of Haryana & anr. ....Respondent(s)

through
Mr.R.D.Sharma, DAG, Haryana.
Mr.S.S.Majithia, Advocate for the complainant.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

The prayer in this petition is for quashing of F.I.R.No.183 dated 18.9.2006 under Sections 323, 324, 326, 506, 34 IPC, registered at Police Station Bhattu Kalan, District Fatehabad and the proceedings arising therefrom.

As per the allegations contained in the F.I.R., when the complainant was going towards the house of one Ram Murthy, the accused persons including the petitioners came from the opposite side and after stopping the complainant, attacked him with *Kapa, Lathies* and bricks etc. The complainant raised an alarm and upon hearing the same, some villagers including Kanhi Ram son of Ranjit Singh reached at the spot and on seeing them, the accused persons allegedly ran away. The complainant has further averred that he was caused injuries as there is a civil litigation between

petitioner No.1 and Kanhi Ram.

It is, thus, apparent from the contents of the F.I.R. itself that the genesis of controversy lies in a civil dispute which took an ugly turn when the alleged occurrence took place.

Both the parties are residents of the same village. With the intervention of the respectables, a compromise has been struck between them and in terms thereof, compromise deed Annexure P-1 has been executed whereby the parties have decided for withdrawal of the cases filed/got registered by them against each other.

Relying upon the said compromise, the petitioners seek quashing of the F.I.R. in question.

Notice of motion was issued and in response thereto, respondent No.2-complainant has put in appearance and has filed his reply/affidavit dated 9.7.2007 which reiterates a compromise between the parties and support the petitioners' prayer.

It is stated by learned State counsel that after completion of investigation, challan has already been presented, however, charges have not been framed so far.

The principles laid down by a Full Bench of this Court in **Kulwinder Singh & others vs. State of Punjab and another,** (Crl.Misc.Petition No.33016-M of 2007, decided on 8.8.2007) have also been kept in view.

After hearing learned counsel for the parties and having regard to the fact that both the parties who are residents of the same village have amicably resolved their dispute, I am of the considered view that continuation of the impugned criminal proceedings would obstruct peace

and harmony in the village. Further, the ongoing proceedings would be an exercise in futility as the complainant himself is not likely to support the prosecution case. In these circumstances, it is in the interest of administration of criminal justice system that the proceedings are struck down as early as possible.

Consequently and for the reasons aforestated, this petition is allowed. The impugned F.I.R. and all the consequential proceedings arising therefrom are hereby quashed.

August 13, 2007 **(SURYA KANT)**
poonam **JUDGE**